

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.)	
THEODORE LUCZAK,)	
)	
Petitioner,)	
)	
vs.)	
)	No. 07 C 6375
)	
TERRY McCANN, Warden,)	The Honorable
)	Ronald A. Guzman,
Respondent.)	Judge Presiding.

MOTION FOR EXTENSION OF TIME

Respondent, TERRY MCCANN, Warden of Stateville Correctional Center, through his attorney, LISA MADIGAN, Attorney General of Illinois, hereby moves this Honorable Court for a thirty (30) day extension of time to answer or otherwise plead to the above-captioned petition for writ of habeas corpus, from February 25, 2008, to and including March 26, 2008.

An affidavit in support of this motion is attached hereto.

February 22, 2008

Respectfully submitted,
LISA MADIGAN
Attorney General of Illinois

By: /s/ Garson Fischer
GARSON FISCHER
Assistant Attorney General
100 W. Randolph
12th Floor
Chicago, Il. 60601
(312) 814-2566
Atty. Reg. #6286165

State of Illinois)
) SS.
County of Cook)

A F F I D A V I T

GARSON FISCHER, being first duly sworn upon oath, deposes and states as follows:

1. That I am the Assistant Illinois Attorney General assigned to handle this matter.

2. That respondent, Terry McCann's response to the instant federal habeas corpus petition is currently due to be filed on or before February 25, 2008.

3. That despite due diligence, your affiant will be unable to file a response on behalf of respondent by February 25, 2008.

4. That respondent was ordered to respond to the instant petition by this Court's order of February 4, 2008.

5. That the Office of the Attorney General of Illinois received this order on February 8, 2008.

6. That your affiant was assigned to this matter on February 11, 2008.

7. That this is respondent's first request for an extension of time to answer or otherwise plead to the instant petition for writ of habeas corpus.

8. That your affiant has ordered, but not yet received, all of the state court materials necessary for filing an informed response to the instant petition.

9. That this motion is not for purposes of delay, but is being made solely to ensure that respondent's interests are adequately protected.

10. That respondent respectfully request that this Honorable Court grant his thirty (30) day motion for an extension of time to and including March 26, 2008, within which to file his answer or otherwise plead to the instant petition for writ of habeas corpus.

FURTHER AFFIANT SAYETH NOT.

/s/ Garson Fischer
GARSON FISCHER

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NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on February 22, 2008, Terry McCann, through his attorney, Lisa Madigan, Attorney General of Illinois, submitted this Motion for an Extension of Time for electronic filing and uploading to the CM/ECF system. A copy of this document was mailed by the United States Postal Services to the following non-CM/ECF users:

Theodore Luczak, #B00780,
Stateville Correctional Center,
Route 53
P.O. Box 112
Joliet, Illinois, 60434.

LISA MADIGAN
Attorney General of Illinois

By:	/s/ Garson Fischer _____ GARSON FISCHER Assistant Attorney General 100 W. Randolph, 12 th Floor Chicago, IL 60601 (312) 814-2566
E-Mail:	gfischer@atg.state.il.us Atty. Reg. #6286165